

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 22-CR-60204

UNITED STATES OF AMERICA

Plaintiff,

v.

ROYAL AIR MUSEUM, INC.,

Defendant.

/

**DEFENDANT ROYAL AIR MUSEUM'S SECOND UNOPPOSED
MOTION TO CONTINUE SENTENCING HEARING**

COMES NOW, the Defendant ROYAL AIR MUSUEM, INC. ("RAM") by and through the undersigned attorney, and submits this Second Unopposed Motion to Continue Sentencing Hearing, and in support thereof states as follows:

1. On October 5, 2022, Defendant RAM was charged with Major Fraud against the United States in violation of 18 U.S.C. § 1031 (D.E. 1).
2. Defendant RAM pleaded guilty to that charge on October 19, 2022 (D.E. 8).
3. Sentencing is currently scheduled for April 11, 2023, at 11:00 a.m.
4. As required by the terms of the plea agreement, Defendant RAM is preparing to pay a total of \$5,000,000 in fines and restitution at sentencing. At the change of plea hearing, the Court was advised that the defendant might require a continuance of sentencing to raise the extraordinary amount of funds necessary to satisfy this condition. Mark Daniels, as Director, President, Secretary and Authorized Representative of RAM has been working in earnest to secure those funds but, as anticipated by the parties and as the Court was advised at the change of plea hearing, there have been predictable delays in that process.

5. For these reasons, Defendant RAM requests that the sentencing hearing be continued for a period of 90 days to allow the defendant needed time to raise the funds. As we have previously noted to the Court, Mr. Daniels is well-motivated to comply with this financial obligation, as the government has reserved the right to re-indict him personally for crimes described in the PSI, should he fail to raise the funds prior to sentencing. In that regard, Mr. Daniels will be executing another waiver of the statute of limitations as to the potential personal charges that might be brought by the government in the event of the defendant's failure to satisfy the fines and restitution obligation at sentencing.

6. The government has been made aware of the progress of Mr. Daniels' efforts to raise the funds to satisfy the required restitution and fines described in the plea agreement and of the need for a further continuance so that he can meet those obligations.

7. For the above reasons, Defendant RAM requests that the sentencing hearing be continued for a period of 90 days.

8. The undersigned has conferred with AUSA Lawrence Lavecchio who has indicated that the government has no objection to the relief sought herein.

9. This motion is made in good faith and not for purposes of delay.

WHEREFORE, for the reasons set forth herein, Defendant RAM respectfully requests the Court grant the foregoing motion and continue the sentencing hearing for a period of 90 days, or for such a time thereafter convenient to the Court, and for all other and further relief the Court deems just and proper under the circumstances.

Dated: April 5, 2023

Respectfully submitted,

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By: /s/ Bruce Udolf
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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically using the Court's CM/ECF system, on April 5, 2023, and served electronically to all counsel of record.

By: /s/ Bruce L. Udolf